

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J., by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, and DORA STUTLER in her official capacity as Harrison County Superintendent,

Defendants.

Civil Action No. 2:21-cv-00316

Hon.

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

This matter comes before the Court on Plaintiff's Motion for Preliminary Injunction, filed by Plaintiff B.P.J., by and through her next friend and mother, Heather Jackson, by and through their attorneys, against Defendants West Virginia State Board of Education; Harrison County Board of Education; West Virginia Secondary School Activities Commission; State Superintendent W. Clayton Burch in his official capacity as Chief Executive Officer of the West Virginia Secondary School Activities Commission; and Superintendent Dora Stutler in her official capacity as Chief Executive Officer of the Harrison County Board of Education. Plaintiff requests that the Court preliminarily enjoin Defendants, as well as their officers, employees, agents, attorneys, and any person who is in active concert or participation with any Defendant or under any Defendant's supervision, direction, or control, from enforcing any of the provisions of House Bill 3293, codified at W. Va. Code § 18-2-25d, against Plaintiff, and any other law, custom, or

policy that precludes Plaintiff's participation on girls' school sports teams in West Virginia. Plaintiff also moves this Court for an order waiving the requirement for bond or security.

Having reviewed the papers filed in support of and in opposition to this motion, having heard arguments from counsel, and being fully advised, the Court hereby **GRANTS** Plaintiff's motion for good cause shown, and finds that Plaintiff has demonstrated that (1) she is likely to succeed on the merits; (2) she is likely to suffer irreparable harm absent a preliminary injunction; (3) the balance of hardships weighs in her favor; and (4) preliminary relief is in the public interest.

Accordingly, it is hereby **ORDERED** that:

1. The Court hereby preliminarily restrains and enjoins Defendants; their officers, employees, agents, attorneys; all persons acting in active concert or participation with any Defendant or under any Defendant's supervision, direction, or control; and all other persons within the scope of Federal Rule of Civil Procedure 65, from enforcing against Plaintiff any provision of H.B. 3293 and any other law, custom, or policy that precludes Plaintiff's participation on girls' school sports teams in West Virginia;
2. The requirement for bond or security from Plaintiff is waived.

IT IS SO ORDERED.

Date: _____

United States District Judge